

Senate Study Bill 1109 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to the legal age relating to tobacco, tobacco
2 products, alternative nicotine products, vapor products, and
3 cigarettes, and including effective date and applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. TITLE. This Act shall be known and may be cited
2 as the "Keep Tobacco Out of Iowa High Schools Act".

3 Sec. 2. Section 453A.2, subsections 1, 2, and 3, Code 2015,
4 are amended to read as follows:

5 1. A person shall not sell, give, or otherwise supply any
6 tobacco, tobacco products, alternative nicotine products, vapor
7 products, or cigarettes to any person under ~~eighteen~~ nineteen
8 years of age.

9 2. A person under ~~eighteen~~ nineteen years of age shall
10 not smoke, use, possess, purchase, or attempt to purchase any
11 tobacco, tobacco products, alternative nicotine products, vapor
12 products, or cigarettes.

13 3. Possession of tobacco, tobacco products, alternative
14 nicotine products, vapor products, or cigarettes by an
15 individual under ~~eighteen~~ nineteen years of age does not
16 constitute a violation under this section if the individual
17 under ~~eighteen~~ nineteen years of age possesses the tobacco,
18 tobacco products, alternative nicotine products, vapor
19 products, or cigarettes as part of the individual's employment
20 and the individual is employed by a person who holds a valid
21 permit under this chapter or who lawfully offers for sale or
22 sells cigarettes or tobacco products.

23 Sec. 3. Section 453A.2, subsection 8, paragraph a,
24 subparagraph (2), Code 2015, is amended to read as follows:

25 (2) The compliance effort is conducted with the advance
26 knowledge of law enforcement officers and reasonable measures
27 are adopted by those conducting the effort to ensure that use
28 of tobacco, tobacco products, alternative nicotine products,
29 vapor products, or cigarettes by individuals under ~~eighteen~~
30 nineteen years of age does not result from participation by
31 any individual under ~~eighteen~~ nineteen years of age in the
32 compliance effort.

33 Sec. 4. Section 453A.5, subsection 1, Code 2015, is amended
34 to read as follows:

35 1. The alcoholic beverages division of the department of

1 commerce shall develop a tobacco compliance employee training
2 program not to exceed two hours in length for employees and
3 prospective employees of retailers, as defined in sections
4 453A.1 and 453A.42, to inform the employees about state and
5 federal laws and regulations regarding the sale of tobacco,
6 tobacco products, alternative nicotine products, vapor
7 products, and cigarettes to persons under ~~eighteen~~ nineteen
8 years of age and compliance with and the importance of laws
9 regarding the sale of tobacco, tobacco products, alternative
10 nicotine products, vapor products, and cigarettes to persons
11 under ~~eighteen~~ nineteen years of age.

12 Sec. 5. Section 453A.36, subsection 6, Code 2015, is amended
13 to read as follows:

14 6. Any sales of tobacco, tobacco products, alternative
15 nicotine products, vapor products, or cigarettes made through a
16 cigarette vending machine are subject to rules and penalties
17 relative to retail sales of tobacco, tobacco products,
18 alternative nicotine products, vapor products, and cigarettes
19 provided for in this chapter. Cigarettes shall not be sold
20 through any cigarette vending machine unless the cigarettes
21 have been properly stamped or metered as provided by this
22 division, and in case of violation of this provision, the
23 permit of the dealer authorizing retail sales of cigarettes
24 shall be revoked. Payment of the permit fee as provided
25 in section 453A.13 authorizes a cigarette vendor to sell
26 tobacco, tobacco products, alternative nicotine products, vapor
27 products, and cigarettes through vending machines. However,
28 tobacco, tobacco products, alternative nicotine products,
29 vapor products, and cigarettes shall not be sold through a
30 vending machine unless the vending machine is located in a
31 place where the retailer ensures that no person younger than
32 ~~eighteen~~ nineteen years of age is present or permitted to
33 enter at any time. Tobacco, tobacco products, alternative
34 nicotine products, vapor products, and cigarettes shall not be
35 sold through any cigarette vending machine if such products

1 are placed together with any nontobacco product, other than
2 matches, in the cigarette vending machine. This section does
3 not require a retail permit holder to buy a cigarette vendor's
4 permit if the retail permit holder is in fact the owner of the
5 cigarette vending machines and the machines are operated in the
6 location described in the retail permit.

7 Sec. 6. Section 453A.39, subsection 2, paragraphs b and c,
8 Code 2015, are amended to read as follows:

9 b. A manufacturer, distributor, wholesaler, retailer, or
10 distributing agent or agent thereof shall not give away any
11 tobacco, tobacco products, alternative nicotine products, vapor
12 products, or cigarettes to any person under ~~eighteen~~ nineteen
13 years of age, or within five hundred feet of any playground,
14 school, high school, or other facility when such facility is
15 being used primarily by persons under age ~~eighteen~~ nineteen for
16 recreational, educational, or other purposes.

17 c. Proof of age shall be required if a reasonable person
18 could conclude on the basis of outward appearance that a
19 prospective recipient of a sample may be under ~~eighteen~~
20 nineteen years of age.

21 Sec. 7. EFFECTIVE DATE. This Act takes effect January 1,
22 2016.

23 Sec. 8. APPLICABILITY. This Act shall not apply to any
24 person who is eighteen years of age or older before January
25 1, 2016, and at such time could lawfully smoke, use, possess,
26 purchase, or attempt to purchase tobacco, tobacco products,
27 alternative nicotine products, vapor products, or cigarettes.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill is to be known and may be cited as the "Keep
32 Tobacco Out of Iowa High Schools Act".

33 The bill provides that, beginning January 1, 2016, the
34 legal age relative to tobacco, tobacco products, alternative
35 nicotine products, vapor products, and cigarettes is 19 years

1 of age. The bill provides that a person shall not sell, give,
2 or otherwise supply any tobacco, tobacco products, alternative
3 nicotine products, vapor products, or cigarettes to any person
4 under 19 years of age; that a person under 19 years of age shall
5 not smoke, use, possess, purchase, or attempt to purchase any
6 tobacco, tobacco products, alternative nicotine products, vapor
7 products, or cigarettes. The bill makes conforming changes
8 in the Code for exceptions to possession of tobacco, tobacco
9 products, alternative nicotine products, vapor products, or
10 cigarettes by an individual under 19 years of age if the
11 individual possesses the product as part of the individual's
12 employment and if the individual is involved in a compliance
13 effort. The bill also provides that relative to vending
14 machines, tobacco, tobacco products, alternative nicotine
15 products, vapor products, and cigarettes shall not be sold
16 through a vending machine unless the vending machine is located
17 in a place where the retailer ensures that no person younger
18 than 19 years of age is present or permitted to enter at any
19 time. The bill also provides that for the purposes of giving
20 away these products or providing samples, the recipient must be
21 19 years of age or older.

22 The bill is not applicable to any person who is 18 years of
23 age or older before January 1, 2016, and at such time could
24 lawfully smoke, use, posses, purchase, or attempt to purchase
25 tobacco, tobacco products, alternative nicotine products, vapor
26 products, or cigarettes.